

**REMARKS**

At the time of the Fifth Office Action dated June 10, 2010, claims 4-6 and 22-31 were pending and rejected in this application. Applicant has cancelled claims 23-24, 27-28, and 30-31 to remove these originally-presented claims from further consideration in this application. Applicant is not conceding in this application that those claims are not patentable over the prior art cited by the Examiner, as the present claim cancellations are only for facilitating expeditious prosecution of the present application. Applicant respectfully reserves the right to pursue these and other claims in one or more continuations and/or divisional patent applications. Since the number of issues have been reduced, thereby placing this application in better condition for Appeal,<sup>1</sup> Applicant respectfully solicits entry of the present Amendment and Remarks.

**CLAIMS 23-24, 27-28, AND 30-31 ARE REJECTED UNDER THE FIRST PARAGRAPH OF 35 U.S.C. § 112**

Claims 23-24, 27-28, and 30-31 have been cancelled. Thus, the Examiner's rejection as to these claims is moot.

**CLAIMS 4-6, 22, 25-26, AND 29 ARE REJECTED UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON MASON ET AL., U.S. PATENT NO. 6,401,075 (HEREINAFTER MASON), IN VIEW OF MOORE ET AL., U.S. PATENT NO. 6,330,575 (HEREINAFTER MOORE), AND ROSS, U.S. PATENT NO. 6,629,135**

Applicant will address this rejection in the accompanying Appeal Brief.

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<sup>1</sup> See M.P.E.P. § 706.07(c) ("An amendment that will place the application ... in better form for appeal may be admitted.").

Applicant have made every effort to present claims which distinguish over the prior art, and it is believed that all claims are in condition for allowance. However, Applicant invites the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. Accordingly, and in view of the foregoing remarks, Applicant hereby respectfully request reconsideration and prompt allowance of the pending claims.

Although Applicant believes that all claims are in condition for allowance, the Examiner is directed to the following statement found in M.P.E.P. § 706(II):

When an application discloses patentable subject matter and it is apparent from the claims and the applicant's arguments that the claims are intended to be directed to such patentable subject matter, but the claims in their present form cannot be allowed because of defects in form or omission of a limitation, the examiner should not stop with a bare objection or rejection of the claims. The examiner's action should be constructive in nature and when possible should offer a definite suggestion for correction. (emphasis added)

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 503839, and please credit any excess fees to such deposit account.

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Respectfully submitted,

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